



NATIONAL CABLE & TELECOMMUNICATIONS ASSOCIATION

NEAL M. GOLDBERG GENERAL COUNSEL

1724 MASSACHUSETTS AVE N.W. WASHINGTON, D.C. 20036-1903

TEL: 202.775.3664 FAX: 202.775.3603

April 14, 2005

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20036

Re: WC Docket Nos. 04-29, 04-36

Dear Ms. Dortch:

On Wednesday, April 13, 2005, Daniel Brenner, Senior Vice President, Law and Regulatory Policy of the National Cable & Telecommunications Association, Howard Symons of the law firm Mintz, Levin, Cohn, Ferris, Glovsky & Popeo, and I met with Michelle Carey, Deputy Chief, Wireline Competition Bureau, and Tom Navin, Pamela Arluk, and Carol Simpson of the Wireline Competition Bureau.

In that meeting, we discussed the Petition For Forbearance and Petition For Declaratory Ruling filed by SBC Communications, Inc. ("SBC") on February 5, 2004. With respect to the Forbearance Petition, which asks the Commission to "forbear from applying Title II common carrier regulation to IP platform services," we argued that (1) if the Commission decides to grant the SBC Petition, it should extend the same relief to all broadband and "IP platform services," including cable; (2) given the pending Brand X decision as well as several FCC rulemaking proceedings touching upon issues raised in the SBC Forbearance Petition, the Commission may decide that granting SBC's request is premature; and (3) whatever route the Commission determines it should follow, it should make clear that any decision to forbear from applying some or all of Title II's requirements to SBC's broadband/"IP Platform" services, has no bearing on the issue of whether any of those services are subject to the requirements of Title VI, an issue not raised by SBC's Forbearance Petition.

The arguments we raised were similar to those raised in NCTA's January 28, 2005, Reply Comments on the BellSouth Forbearance Petition, (WC Docket No. 04-405) and NCTA's March 10, 2005, Reply Comments on Verizon's Forbearance Petition (WC Docket No. 04-440).

Ms. Marlene H. Dortch
April 14, 2005
Page 2

With respect to SBC's Petition For Declaratory ruling, we (1) reiterated the view in our comments filed in the IP-Enabled Services docket that the Commission should focus on IP voice services in that docket, (2) that there is virtually no record in that docket on which to base a decision on the regulatory framework for IP video services and (3) that, in any event, the IP video services proposed by SBC fall squarely within existing definitions of Title VI.

If you have any questions, please contact the undersigned.

Sincerely,

/s/ Neal M. Goldberg

Neal M. Goldberg

cc: M. Carey
T. Navin
P. Arluk
C. Simpson